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March 2, 2005

The Honorable F. James Sensenbrenner, Jr.
Chairman
House Judiciary Committee
2138 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Sensenbrenner:

I write to propose that we begin an immediate investigation into the rendition practices of our government.

Among other things, I strongly believe such an investigation is warranted because an Inspector General's investigation into one instance of rendition has been completely frustrated by staff at Immigration and Customs Enforcement. I called on the Inspectors General of both Justice and Homeland Security Departments to investigate their respective roles in the rendition of Mr. Maher Arar in December of 2003. The Department of Homeland Security (DHS) IG did attempt an investigation, and in July of last year informed me that immigration officials and staff responsible for Mr. Arar's removal would not cooperate with the investigation (enclosed). I wrote to the new Secretary of Homeland Security last week regarding my concerns, but have received no response (enclosed).

As you know, information continues to surface that our government renders those in its custody to nations that are sponsors of torture, most often with the intention that the torture practices that are illegal in this country are to be used by foreign governments to extract information. Consider the following acts committed by United States representatives, in apparent violation of our obligations under the United Nations Convention Against Torture and its implementing regulations:

- In late 2001 or early 2002, the Central Intelligence Agency rendered Ibn al-Sheikh al-Libi to Egypt after CIA and Federal Bureau of Investigation (FBI) interrogations did not yield the desired results. Libi, a preeminent al Qaeda figure, supposedly alleged ties between al Qaeda and Iraq during his secret internment. He eventually ended up in Guantanamo

bay where he recanted. An ex-FBI agent who worked on the case attributes his false confession to the physical abuse he endured during his rendition.¹

- On September 26, 2002, Mr. Maher Arar, a Canadian and Syrian citizen, was arrested at John F. Kennedy Airport during a layover. He was on his way home to Canada, where he has lived for almost two decades, when immigration removed him to Syria. He spent ten months in a Syrian prison where he was tortured, and was eventually released without charge.²
- On June 9, 2003, Ahmed Abu Ali, an American citizen studying in Saudi Arabia, was arrested by Saudi police at the behest of the U.S. government. He was held for 20 months without charge, apparently tortured, and has only recently been returned to the United States where he will now be charged with "material support."³

I am concerned that if we do not act immediately, these cases, and numerous ones like them, will only be exacerbated. For example, the Justice Department is trying to seal Mr. Arar's civil action against the government in an attempt to hide its atrocities from public discourse. I also have word from the attorneys that represent those held in Guantanamo Bay that the Justice Department is refusing to promise not to deport any detainees held there to countries that sponsor torture while their cases are pending in federal court. These actions on part of the Justice Department make me fear that every day we wait to take action, we risk one more rendition that ends in inhumane acts.

That DHS officials are refusing to cooperate in this matter is unfortunate, especially in the face of new evidence that renditions are more commonly used than anyone ever thought. I therefore request that our committee immediately take up the matter, institute a staff investigation, schedule hearings, and issue subpoenas if need be. We cannot allow government employees to frustrate a bona fide inquiry that reflects on our country's commitment to human rights.

Sincerely,



John Conyers, Jr.
Ranking Member

Enclosures

¹Jane Mayer, *Annals of Justice: Outsourcing Torture*, THE NEW YORKER, Feb. 14, 2005.

²DeNeen L. Borwn and Dana Priest, *Deported Terror Suspect Details Torture in Syria; Canadian's Case Called Typical of CIA*, WASHINGTON POST, Nov. 5, 2003 at A1.

³*Terror Suspect Transferred to U.S. From Saudi Arabia*, Bloomberg.com, Feb. 22, 2005.